

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**
Roanoke Division

MOUNTAIN VALLEY PIPELINE, LLC,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 7:19-cv-225
)	
5.88 ACRES OF LAND, OWNED BY)	
WENDELL WRAY FLORA, et al.,)	
)	
<i>Defendants.</i>)	

DEFENDANTS' WITNESS LIST AND TRIAL EXHIBIT LIST

Pursuant to this Court's Scheduling Order, Defendants Wendell and Mary Flora, by counsel, submit the following list of trial witnesses and trial exhibits.

WITNESSES

Defendants expect to call the following witnesses:

1. Dennis W. Gruelle, MAI, to testify consistent with the Rule 26(a)(2) disclosures of December 14, 2019, including his report dated December 14, 2019, and its addenda and documents referenced or incorporated by reference; as well as his testimony on unity of use;
2. Wendell Wray Flora to testify to his opinions contained within written discovery and depositions in this matter, including and not limited to the highest and best use of the property, the history of the property, the use of the property, the value of the property before condemnation and the incompatibility of the project with the property's best use;
3. Sean Horne, L.A., to testify consistent with the Rule 26(a)(2) disclosures of December 14, 2019, his report dated December 9, 2019, and his testimony on unity of use;
4. Steven Noble, MAI, to testify to his review appraisals dated December 24, 2019.

Defendants may call the following witnesses:

1. Ricky Myers, to testify to matters designated and those deposed on;
2. Samuel B. Long, MAI, to testify to his report dated February 15, 2018;
3. Witnesses for foundation, authentication, impeachment, or rebuttal; and
4. Any witness disclosed or identified by the Plaintiff.

EXHIBITS

Defendants expect to present the following exhibits:

1. Survey plat of the subject property;
2. Photographs of the subject property;
3. Photographs of comparable properties;
4. Recorded deeds and chain of title conveying property to Defendants;
5. Comparable sales charts of before and after sales, including adjustments;
6. Map of comparable sales relied on by Dennis W. Gruelle;
7. Map of comparable sales relied on by Wendell Flora;
8. Deeds and plats of comparable sales and subdivisions relied on by Wendell Flora;
9. Letter opinion by Sean Horne, L.A., and its exhibits;
10. Conceptual subdivision diagram prepared by Sean Horne, L.A.;
11. Review Appraisal reports of Steven Noble dated December 24, 2019;
12. Appraisal Report of Dennis Gruelle dated December 14, 2019, including the

following portions:

- a. Executive Summary, at 1;
- b. Site description, at 9;
- c. Unity of use, at 10-11;
- d. Highest and best use, at 11-13

- e. Comparable Sales, at 16-19, 21;
 - f. Comparable sales grid before, at 22;
 - g. Analysis of MVP project, at 23-25;
 - h. Comparable sales grid after, at 27;
 - i. Summary of Conclusion, at 28;
 - j. Addenda, if necessary;
 - k. Dennis Gruelle resume;
 - l. Included photos, sketches and depictions
- 13. Aerial Photo of subject property before pipeline project;
 - 14. Aerial photo of subject property showing pipeline location;
 - 15. Order Issuing Certificates and Granting Abandonment Authority issued by the Federal Energy Regulatory Commission on October 13, 2017, attached to MVP's Complaint;
 - 16. MVP Alignment Sheets for the approved route related to Landowner's property;
 - 17. MVP's immediate Possession/Right of Entry Order pertaining to subject property;
 - 18. MVP's Pipeline Design Engineering Crossings and Uses including all referenced regulations, industry standards, and industry guidance;
 - 19. MVP's Pipeline Design Engineering Pipe Specs, Reclamation, etc.;
 - 20. MVP Erosion and Sediment Control Plan filed with FERC;
 - 21. FERC Pamphlet, *An Interstate Natural Gas Facility on My Land? What Do I Need to Know?*;
 - 22. MVP Post-Construction Activities Virginia Regulatory Compliance slideshow;
 - 23. Pipeline line marker warning sign design and text;
 - 24. MVP plat of subject property;

25. Any exhibit listed or offered by Plaintiff; and
26. As necessary, exhibits for purposes of impeachment and/or rebuttal, including deposition transcripts.

May 28, 2024

WENDELL & MARY FLORAA

By: /s/ Joseph V. Sherman
Counsel

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CERTIFICATE OF SERVICE

I certify that on Tuesday, May 28, 2024, I electronically filed a true copy of the foregoing Witness List and Trial Exhibit List copying counsel of record:

Mr. Wade W. Massey (VSB No. 16616)
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